IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7888 of 2005

Between:

Bhagadi Mohana Rao, S/o Subba Rao, Hindu,
R/o Avanigadda, Krishna District.

..... PETITIONER

AND

1 The Secretary, Gram Panchayat, Challapalli, Krishna District.
2 The Divisional Panchayat Officer, Machilipatnam, Krishna District.
3 The District Collector, Krishna District, Machilipatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, more especially one in the nature of writ mandamus declaring the action of the respondents in not giving affect to the resolution of the 1st respondent in resolution No. 64, Dt.
16-3-2005 in resolving to lease out the weekly shandy with enhanced rate of 5% over and above the upset price fixed by the respondents authority as illegal, arbitrary, capricuous and consequently to direct the respondents to permit the petitioner to conduct weekly shandy from Monday ie., 11-4-2005 onwards with the enhanced rate of 5% over and above the upset price fixed by the respondents authorities and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.RAVI SHANKAR JANDHYALA

Counsel for the Respondent No.1: MR.SRINIVAS DAMMALAPATI

Counsel for the Respondent Nos.2 and 3: G.P. for Panchayat Raj and Rural Development.

The Court, at the stage of admission, made the following :

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ORDER:

The petitioner states that he was granted licence by the first respondent Gram panchayat for collecting fee (asil) in the weekly market on every Monday for the year 2004-05.

It is not in dispute that the period of lease granted to the petitioner has expired on 31.03.2005. However, the petitioner states that having regard to the fact that during the lease period the petitioner has suffered loss, the Gram Panchayat, having considered the request of the petitioner, has passed a resolution on 16.03.2005 to continue the licence in favour of the petitioner subject to enhancement of five per cent of the lease amount. However, the third respondent-District Collector, Krishna District, Machilipatnam has not passed any order either extending or granting fresh lease in favour of the petitioner for the year 2005-06 in terms of the resolution of the Gram panchayat. Hence this writ petition.

Having heard the learned counsel for both parties, I deem it appropriate to dispose of the writ petition with a direction to the third respondent to consider the request of the petitioner to extend his lease for the year 2005-06 in terms of the resolution of the Gram panchayat dated 16.03.2005 and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of three days from the date of receipt of this order. It is open to the petitioner to make a representation before the third respondent to permit him to collect the fee in the weekly shandy on 11.04.2005, in which event, the third respondent shall consider the same and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

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08.04.2005

Note: Furnish C.C. by 11.04.2005

(B/o)

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To

1 The Secretary, Gram Panchayat, Challapalli, Krishna District.
2 The Divisional Panchayat Officer, Machilipatnam, Krishna District.
3 The District Collector, Krishna District, Machilipatnam.

4 Two C.Cs to the G.P. for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad (OUT).

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